

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

MDL NO. 1456

Civil Action No.
01-CV-12257- PBS

Judge Patti Saris

**UNOPPOSED MOTION TO EXTEND TIME TO FILE CONSOLIDATED COMPLAINT
TO ON OR BEFORE JUNE 15, 2005**

Plaintiffs the City of New York and the New York Counties of Westchester, Rockland and Onondaga, all of whom are represented by Kirby McInerney & Squire, LLP (“KMS”), respectfully file this Unopposed Motion to Extend Time to File a Consolidated Complaint to on or before June 15, 2005. Such Consolidated Complaint will be filed on behalf of the above referenced plaintiffs, as well as all other New York Counties who have retained or are retaining KMS and who are in the process of filing complaints in their respective districts.

At the April 8, 2005 hearing, counsel had informed the Court of the intent to file this Consolidated Complaint by May 6, 2005. Additional time is required however in order to permit all Counties who have or are retaining KMS to complete the retention process, file their respective complaints, be transferred to the MDL and thereafter to join in the Consolidated Complaint. It is anticipated that this process will be complete by June 15, 2005. Should the Court require additional detail regarding the status of the various New York Counties’ activities

in this regard (at present, over 50 counties have retained KMS or have indicated that they presently will do so), Counsel promptly will supply such.

KMS has conferred with counsel for defendants who have no objection to a June 15, 2005 filing of the Consolidated Complaint so long as defendants are afforded adequate time to brief any motion to dismiss the Consolidated Complaint. The parties will confer and propose to the Court a briefing schedule for defendants' motion promptly after the filing of the Consolidated Complaint.

A copy of a proposed order is annexed hereto.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that the Court grant this motion.

Dated: May 6, 2005
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Michael B. Coons

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**COUNSEL FOR THE COUNTIES OF
WESTCHESTER, ROCKLAND, ONONDAGA
AND THE CITY OF NEW YORK**

Certificate of Service

I certify that on May 6, 2005 a true and correct copy of the foregoing Unopposed Motion To Extend Time to File Consolidated Complaint was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Michael B. Coons
Michael B. Coons

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[PROPOSED] ORDER

COMES NOW, this ____ day of ____, 2005, upon consideration of Plaintiffs' Unopposed Motion to Extend Time To File Consolidated Complaint, it is hereby ORDERED ADJURED AND DECLARED that said motion is granted and Plaintiffs shall have until June 15, 2005 to file the Consolidated Complaint.

Patti B. Saris
United States District Court Judge